

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOLLIE BYAS, o/b/o J.J.B.,

Plaintiff,

Case No. 14-cv-11827

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION** (document no. 27), **DENYING
COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT**
(document no. 24), **GRANTING IN PART BYAS'S MOTION FOR
SUMMARY JUDGMENT** (document no. 21), **AND REMANDING CASE**

Hollie Byas, on behalf of her minor son JJB, applied for Supplemental Security Income ("SSI"). The Social Security Administration ("SSA") denied her application in an opinion issued by an Administrative Law Judge on July 15, 2011. See ALJ Decision, ECF No. 12-2. Upon review, the SSA Appeals Council remanded the case for a second hearing, and an Administrative Law Judge again denied her application. After the SSA Appeals Council declined to review the second ALJ decision, Byas appealed to federal court. The Court referred the matter to a United States Magistrate Judge, and the parties filed cross motions for summary judgment. ECF Nos. 21, 24. On May 8, 2015, the magistrate judge issued a Report and Recommendation ("Report") suggesting the Court deny the Commissioner's motion, grant in part Byas' motion, and remand the case. Report, ECF No. 27.

Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Neither party has filed any

objections. See Notice, ECF No. 28. De novo review of the magistrate judge's findings is therefore not required. See Fed. R. Civ. P. 72(b)(2)–(3) (mandating de novo review only if the parties “serve and file specific written objection to the proposed findings and recommendations”). The Court has reviewed the file and the Report, and finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions, and will enter an appropriate judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (document no. 27) is **ADOPTED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment (document no. 24) is **DENIED**.

IT IS FURTHER ORDERED that Byas' Motion for Summary Judgment (document no. 21) is **GRANTED IN PART**, and the case is **REMANDED** to the administrative level for further proceedings.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: May 28, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 28, 2015, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager